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8 PRECISION VALVE & AUTOMATION, INC.

9  
10 UNITED STATES DISTRICT COURT  
11  
12 CENTRAL DISTRICT OF CALIFORNIA

13 RUBEN JUAREZ, an individual and  
14 ISELA HERNANDEZ, an individual,

15 Plaintiffs,

16  
17 PRECISION VALVE &  
AUTOMATION, INC., a corporation  
and DOES 1-20,

18 Defendants.  
19  
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CASE NO. CV17-03342-ODW (GJSX)  
[L.A.S.C. Case No. BC650229]

**DECLARATION OF GREGORY E.  
MAXWELL IN SUPPORT OF  
DEFENDANT PRECISION VALVE &  
AUTOMATION, INC.'S MOTION FOR  
SUMMARY JUDGMENT**

Date: October 1, 2018  
Time: 1:30 p.m.  
Crm: 5D, 5<sup>th</sup> Floor  
Judge: Hon. Otis D. Wright II

\*This motion is made following the  
conference of counsel pursuant to L.R. 7-3  
which took place on July 16, 2018. (Catalona  
Dec., ¶ 57, Ex. 57.)

\*\*Defendant requests oral argument on this  
motion for summary judgment.

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1 I, Gregory E. Maxwell, declare,

2 1. I have personal knowledge of the following facts and could competently  
3 testify to those facts if called as a witness.

4 2. I was employed at Space Explorations Technologies Corp., known as  
5 "SpaceX," in Hawthorne, California from October, 2011 to June, 2016. SpaceX is and  
6 was a designer and manufacturer of advanced rockets and spacecraft. At SpaceX, I was  
7 the Avionics Department Supervisor which meant I was responsible for supervising all  
8 personnel in the Avionics Department including Ruben Juarez. One of the main duties of  
9 my job was to work with the engineering department and specialists such as Ruben Juarez  
10 to ensure that the PVA 350 machine was working properly and used correctly. The PVA  
11 350 machine was the only conformal coating machine at SpaceX at that time. When I was  
12 hired, it was situated on the first floor of the main building in what was referred to as the  
13 "fish bowl" because workers could be observed inside the glass walls of this room when  
14 other employees walked by. The conformal coating room at that time was equipped with  
15 the PVA 350, a vent hood and two ovens. Within approximately eight (8) months of my  
16 joining SpaceX, the Avionics Department moved to the third-floor lab that was built  
17 specifically to house the Avionics Department. This lab was also equipped with the PVA  
18 350, vent hood and two ovens in addition to other equipment.

19 3. During my employment with SpaceX, 100% of my time was spent within  
20 the Avionics lab which included the conformal coating room, and I would visit the  
21 conformal coating room at least once a day. I also sat within 25 feet of Ruben Juarez  
22 during the time he was employed by SpaceX.

23 4. Attached to this declaration as Exhibits 75-77 are true and correct copies of  
24 relevant portions of SpaceX's Standard Operating Procedures for the Avionics department  
25 entitled "Avionics Standard Operating Procedure: Polymeric Application on Electronic  
26 Assemblies."

27 5. Every SpaceX employee in the Avionics Department, including Ruben  
28 Juarez, had access and was made aware they had access, to SpaceX's standard operating

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1 procedures, including Exhibits 75-77, specific job procedures, the MSDS sheets for  
 2 chemicals used at SpaceX and other safety data. These documents were accessible, and  
 3 known by SpaceX employees to be accessible, in online versions maintained on SpaceX's  
 4 intranet site. In both of the Avionics Department labs described above, there was a  
 5 computer at every operator's work station. When it was in the "fish bowl," there were at  
 6 least 14 computers, and when the lab was on the 3<sup>rd</sup> floor, there were at least 18  
 7 computers. When the lab was on the third floor, there were also computers inside the  
 8 conformal coating room. I know that Ruben Juarez had direct access to one of these  
 9 computers because it sat on his work station desk which was in my direct line of sight in  
 10 the Avionics Department, both when it was located in the "fish bowl" and also when it  
 11 was located on the third floor. The conformal coating room of the Avionics Department,  
 12 AKA the "clean room," maintained MSDS sheets in a three-ring binder stored on a shelf  
 13 approximately 3-4 feet away from the PVA 350 machine. I believe that Ruben Juarez  
 14 would have accessed the MSDS sheets numerous times as part of his job at SpaceX  
 15 because that was something that someone in his position would have been required to do  
 16 as a normal part of his job.

17       6.     The MSDS sheets for Arathane and Humiseal materials including Humiseal  
 18 thinner were kept in this three-ring binder, as well as on the SpaceX intranet site  
 19 accessible on the computers in the Avionics Department labs described above. At one  
 20 point, there was a problem with Arathane not curing properly on boards used in the  
 21 Avionics department. The department engineers Doug Kuhn, Matt Bugby and David  
 22 Hwang, along with Ruben Juarez and John Pena, were all involved in determining why  
 23 this was occurring and finding a solution. During this process, Ruben Juarez mixed  
 24 different quantities of chemicals including Arathane and Humiseal materials by hand.  
 25 Before hand-mixing these materials, Ruben Juarez would have been required to review  
 26 and, to the best of my knowledge, did review the MSDS sheets for these products,  
 27 including Arathane and Humiseal to ensure they cured and "set up" properly so our  
 28 desired result was achieved. When SpaceX started using Arathane materials for the first

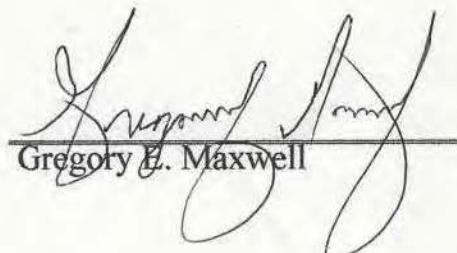
1 time, Ruben Juarez would have also needed to know the correct Personal Protective  
2 Equipment ("PPE") to use for these materials which he also could have learned from the  
3 MSDS sheets.

4 7. Attached hereto as Exhibit 78 is a true and correct copy of relevant portions  
5 of power point slides and presenter dialogue from one of SpaceX's Hazard  
6 Communication training courses which I took at SpaceX. I took this course, and all  
7 Avionics Department employees including Ruben Juarez were required to take this  
8 course. This course was taken at a computer. After the presentation was concluded, the  
9 employee was required to pass a test by correctly answering enough questions about the  
10 course materials before the training would be considered complete. As the supervisor of  
11 the Avionics Department, I would have been notified if the course was not completed by  
12 anyone I was supervising, and I would have been required to counsel those people to  
13 complete the course. Because I do not remember ever counseling Ruben Juarez to  
14 complete this course, I believe that Ruben Juarez completed this course and passed this  
15 test to the best of my knowledge.

16 8. Based on my experience at SpaceX and having supervised Ruben Juarez and  
17 having interacted with him on a regular basis, I am confident that he was familiar with the  
18 MSDS sheets for the conformal coating materials which he used at SpaceX, including  
19 Humiseal and Arathane materials, either from the hard copies maintained in the three-ring  
20 binder, the several computers in the Avionics department mentioned above, including the  
21 computer at his workstation, or both.

22 9. I declare under penalty of perjury under the laws of the United States of  
23 America that the foregoing facts are true and correct. Executed on August 1st,  
24 2018 in Los Angeles, California.

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28



Gregory E. Maxwell

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